

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on October 16, 2001, and the references cited therewith. In response thereto, claims 1, 2, 26, 28, 29, 31, and 33 are amended, and claim 42 is added. Support for the addition of claim 42 is clearly stated in the specification on page 11 lines 4-9. Amended claim 2 was not amended in light of any art rejection. As a result, claims 1-42 are now pending in this application. Applicant respectfully requests reconsideration and allowance of all claims.

§112 Rejection of the Claims

Claims 1, 2, 26, 28, 29, 31, and 33 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The rejection stated that “with respect to claims 1, 26, 28, 29, 31, and 33, the pre-boot pre-charge capacitors” (474 and 476 in Fig. 4) “coupled between” the “main pump capacitors” (486 and 492) and the “pre-boot capacitors” (462 and 464) is misdescriptive of the invention.” The problem seems to stem from the meaning of the phrase “coupled to.” Applicant was attempting to define a functional connection, not a literal connection. Applicant has amended the claims to more clearly claim the connectivity of the pre-boot pre-charge capacitors (474 and 476) to the pre-boot capacitors (462 and 464) as being a functional connection. Reconsideration and allowance of claims 1, 26, 28, 29, 31, and 33 is respectfully solicited.

Applicant has rewritten claim 2 to overcome the rejection under 35 U.S.C. § 112, second paragraph, to be independent and to include all the limitations of the base claim and all intervening claims. Reconsideration and allowance of claim 2 is respectfully solicited.

§102 Rejection of the Claims

Claims 1 and 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Merritt (U.S. Patent No. 5,677,645).

According to the Examiner, the reference cited above “discloses in figure 2, a circuit comprising:

a plurality of phase generators 122, 144, 146, 132; first and second preboot capacitors 148, 150 coupled to the phase generators; first and second main pump capacitors 138, 141 coupled to the phrase generators and the first and second preboot capacitors; and fist and second gating devices 134, 136 coupled to the main pump capacitors.” Further, according to the Examiner, the reference cited above discloses in figure 2 “first and second pre-boot pre-charge capacitors (164 and 166) coupled to the intervening nodes (“C” and “D”) between the main pump capacitors (138 and 141) and the preboot capacitors (148 and 150) are shown, wherein 164 and 166 are coupled to the nodes C and D when transistors 156 and 158 are on, as called for in claims 1 and 26.”

Applicant respectfully submits that the Office Action did not make out a *prima facie* case of anticipation for the following reasons:

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

As now amended claims 1 and 26 recite: “a plurality of phase generators;
first and second preboot capacitors coupled to the plurality of phase generators;
first and second main pump capacitors coupled to the plurality of phase generators, and the first and second preboot capacitors, respectively;
first and second pre-boot pre-charge capacitors coupled to the first and second preboot capacitors; and
first and second gating devices coupled to the first and second main pump capacitors, respectively.”

In contrast, capacitors 148 and 150 disclosed in Figure 2 in Merritt are not preboot capacitors, they are gating capacitors which gate the main caps that charge out the V_{CCP} . In addition, the capacitors 164 and 166 disclosed in Figure 2 in Merritt are not pre-boot pre-charge capacitors, they are preboot capacitors. Also, Merritt does not disclose using pre-boot pre-charge capacitors 474 and 476 to recharge pre-boot capacitors 462 and 464 as disclosed in the present invention. The capacitors 164 and 166 disclosed in Merritt are not pre-boot pre-charge

capacitors, they are preboot capacitors, because the gates of the preboot caps 164 and 166 are coupled through transistors 156 and 158 to the gate of the capacitors 148 and 150, respectively and they charge share to preboot each other and not precharge. Further, the main pump capacitors 486 and 492 shown in figure 2 of the present invention are prebooted by preboot capacitors 462 and 464. Whereas, Merritt does not teach prebooting the main capacitors. Therefore, all of the elements of claims 1 and 26 are not found in the Merritt patent. Reconsideration and allowance of claims 1 and 26 are respectfully solicited.

Support for using the pre-boot pre-charge capacitors 474 and 476 to recharge the preboot capacitors 462 and 464 is clearly stated in the specification on page 10 lines 20-30, and on page 11 lines 1-10.

§103 Rejection of the Claims

Claims 28, 29, and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Merritt (U.S. Patent No. 5,677,645). Applicant respectfully traverses this single-reference rejection.

Applicant repeats the arguments presented above for claims 1 and 26 in support of patentability of claims 28, 29, and 33. In addition, Merritt does not disclose the forming of the memory device on a substrate as disclosed in claims 28, 29, and 33. Further, Merritt does not disclose coupling of a processor to the memory device as disclosed in the claims 28, 29, and 33. Since Merritt fails to disclose using pre-boot pre-charge capacitors 474 and 476 as disclosed in the present invention to recharge the preboot capacitors 462 and 464 and further fails to disclose forming the memory device on a substrate and the coupling the memory device to the processor, the rejection under 35 U.S.C. § 103(a) in light of Merritt patent fails since all of the elements of claims 28, 29, and 33 are not found in the Merritt reference. Removal of the rejection and reconsideration of the claims is respectfully solicited.

As described above, if the Examiner is using personal knowledge or is taking Official Notice of the elements of claims 1 and 26, which are not found in the Merritt patent, Applicant respectfully objects and respectfully requests that the Examiner either provide a reference or references which describe such missing elements pursuant to M.P.E.P. § 2144.03, or submit an affidavit as required by 37 C.F.R. § 1.104(d)(2).

Allowable Subject Matter

Claim 2 was objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended this claim accordingly. Reconsideration and allowance of this claim is respectfully solicited.

Applicant acknowledges the allowance of claims 3-25, 27, 30, 32, and 34-41.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6904 to facilitate prosecution of this application.

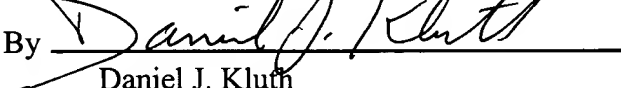
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

TODD A. MERRITT

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6904

Date Dec. 17, 2001 By 
Daniel J. Kluth
Reg. No. 32,146

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: ~~Box AF~~ Commissioner of Patents, Washington, D.C. 20231, on this 17 day of December, 2001. ~~Box RLE~~

Name Tina Pych

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